

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

MDL No. 2419

Dkt. No. 1:13-md-2419 (RWZ)

MOTION FOR APPOINTMENT OF ANNIKA K. MARTIN AS *PRO SE* LIAISON

The Plaintiffs' Steering Committee (PSC) hereby respectfully moves to have Annika K. Martin appointed as *Pro Se* Liaison for this MDL.

At past monthly status conferences the PSC has raised with the Court the need to appoint a *Pro Se* Liaison to serve as a point of contact for *pro se* litigants and claimants who are seeking information and/or assistance regarding the MDL litigation and/or the bankruptcy proceedings and related claims. Because these proceedings affect the rights of numerous individuals, including a number without representation, the appointment of a *Pro Se* Liaison to assist with the unrepresented interests is appropriate. *See, e.g.,* Order appointing *Pro Se* Curator, *In re Chinese Manufactured Drywall Prods. Liab. Litig.*, Dkt. No. 11327, MDL No. 2047 (E.D. La. Nov. 22, 2011). Moreover, the recent increase in *pro se* submissions to the Court indicates that the time is ripe for the Court to appoint a liaison to officially handle assisting and informing these unrepresented individuals. However, the *Pro Se* Liaison's responsibility will be solely to assist and inform; under no circumstances will the *Pro Se* Liaison be considered to represent the *pro se*

individuals she assists, and this must be made clear in all communications from the *Pro Se* Liaison to unrepresented individuals.

The responsibilities of the *Pro Se* Liaison will include:

- (1) Acting as a point of contact for *pro se* litigants and claimants;
- (2) Assisting *pro se* litigants and claimants in obtaining information about the MDL and the bankruptcy proceedings and related claims;
- (3) Informing *pro se* claimants of the availability and contact information for the Trustee and his claims and noticing agent, Donlin Recano, for information relating to the bankruptcy proceedings and related claims;
- (4) Ensuring submissions made by *pro se* litigants are properly filed on the MDL docket via ECF and properly served on all parties;
- (5) Making available to *pro se* litigants and claimants important documents, including complaints, Court orders, settlement agreements, notice documents, claim forms, and related information, and assisting with any questions regarding these documents;
- (6) Informing *pro se* litigants and claimants that they may retain separate counsel and if appropriate, providing the name and contact information for counsel handling MDL matters in the jurisdiction in which the claimant resides;
- (7) Maintaining a log of communications with *pro se* litigants and claimants, including the name and contact information for each individual and the date of communication, and retaining all written information obtained from *pro se* litigants and claimants; and
- (8) Submitting quarterly reports to the Court, with copies to the parties, regarding the discharge of her responsibilities as *Pro Se* Liaison.

The PSC solicited nominations for the position of *Pro Se* Liaison, considered all of the candidates put forward, and then by unanimous vote selected Annika K. Martin as the proposed *Pro Se* Liaison to be presented to the Court for this appointment.

Ms. Martin is a partner in the New York office of Lieff Cabraser Heimann & Bernstein, LLP (“LCHB”). *See* Declaration of Annika K. Martin, filed contemporaneously with this motion. While Ms. Martin’s partner Mark Chalos is a member of the PSC appointed by the Court in this MDL (and her partner Elizabeth Cabraser is his alternate), Ms. Martin herself is not personally a member of the PSC. Nevertheless, Ms. Martin has been integrally engaged in all aspects of this action since its inception, and thus is knowledgeable and fully familiar with the details and proceedings of this action.

Ms. Martin also has relevant experience gleaned from her work on other complex litigation; for example, she serves as second-chair to LCHB’s position on the Plaintiffs’ Steering Committee for *In re Oil Spill by the Oil Rig “Deepwater Horizon” in Gulf of Mexico on April 20, 2010*, MDL 2179 (E.D. La.), and played an extensive role in that litigation, and the subsequent economic and medical settlement negotiations and implementation of those settlements, including having primary responsibility for drafting the notices of those settlements and the 13 claim forms and accompanying instruction booklets used in the economic settlement, and drafting the FAQ section of the settlement website. *See id.*

Ms. Martin is also a key member of LCHB’s court-appointed leadership team in *In re General Motors LLC Ignition Switch Litigation*, 14-MD-2543 (S.D.N.Y.) representing plaintiffs from all across the U.S. against GM and other defendants for the plaintiffs’ physical and economic injuries caused by GM’s allegedly defective vehicles. *See id.*

For these reasons, the PSC believes that Ms. Martin is qualified to assist *pro se* individuals concerning the MDL litigation and the bankruptcy settlements, and therefore respectfully requests that this Court enter an Order appointing Annika K. Martin as *Pro Se* Liaison. A proposed order is attached.

Dated: March 11, 2015

Respectfully submitted,

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Kristen A. Johnson, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: March 11, 2015

Kristen A. Johnson

Kristen A. Johnson (BBO# 667261)